

UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK

UNITED STATES

v.

TIMOTHY MUIR,  
DEFENDANT-MOVANT

Application GRANTED IN PART AND DENIED  
in part. Defendant Muir may file a supporting  
brief within 21 days of this Order.  
SO ORDERED.

Dated: 10/13/2022



P. Kevin Castel  
United States District Judge

VERIFIED MOTION FOR EXTENSION  
OF TIME TO FILE BRIEF IN SUPPORT FOR  
MOTION TO VACATE UNDER 28 USC. 2255

COMES NOW DEFENDANT-MOVANT TIMOTHY MUIR, pro se,  
AND RESPECTFULLY MOVES THIS COURT FOR AN EXTENSION OF  
UP TO NINETY (90) DAYS TO SUBMIT A BRIEF IN SUPPORT OF  
HIS MOTION TO VACATE UNDER 28 U.S.C. 2255. IN SUPPORT  
HEREOF, MUIR STATES AS FOLLOWS:

GROUND FOR THE MOTION

ON OCTOBER 4, 2021, THE UNITED STATES SUPREME  
COURT DENIED MUIR'S PETITION FOR CERTIORARI SEEKING  
REVIEW OF THE SECOND CIRCUIT'S AFFIRMANCE OF THIS  
COURT'S JUDGMENT OF CONVICTION. PURSUANT TO 28  
U.S.C. 2244(d)(1)(A), THE DEADLINE TO TIMELY FILE MY  
2255 MOTION IS TODAY, OCTOBER 4, 2022. CONTEMPORANEOUSLY  
SUBMITTED HEREBY, MUIR HAS FILED A MOTION TO VACATE  
UNDER 2255, SETTING FORTH FOUR GROUNDS FOR RELIEF.

IN THIS CIRCUIT, A DISTRICT COURT MAY GRANT AN EXTENSION IF THE MOVANT "REQUESTS THE EXTENSION UPON OR AFTER FILING AN ACTUAL SECTION 2255 MOTION."  
GREEN v. UNITED STATES, 260 F.3d 78, 82-83 (2d Cir. 2001). Muir's contemporaneously filed 2255 motion with summary factual support satisfies Green's requirement. Muir is requesting additional time to complete his brief in support because his current conditions of incarceration have made it all but impossible to do so.

Muir is currently incarcerated at FCI Beckley, and has been since October 4, 2021. During the entirety of the last year, FCI Beckley's operations and movements have been severely limited because of COVID-19 restrictions, such that I can only access the library to work on my case on the 2-3 times a week ~~—~~ my unit has night or Sunday morning recreation. To make matters worse, FCI Beckley has been consistently locked down over the past year for significant violent incidents, including stabbings, attacks on staff, as well as a recent homicide. Worse still, since April 2022, FCI Beckley has been consistently locked-down — many lasting weeks at a time — because the SHU is constantly full. Despite my diligent efforts, the incessant lock-downs have prevented me from completing a brief in

SUPPORT OF MY MOTION TO VACATE UNDER 28 U.S.C. 2255.

RELIEF REQUESTED

MUIR RESPECTFULLY REQUESTS AN EXTENSION OF UP TO NINETY (90) DAYS TO SUBMIT HIS BRIEF IN SUPPORT OF HIS MOTION TO VACATE UNDER 28 U.S.C. 2255. IF MUIR COMPLETES HIS BRIEF PRIOR TO THE EXPIRATION OF THE TIME THE COURT GRANTS, HE WILL IMMEDIATELY FILE IT AND NOT WAIT THE FULL PERIOD OF TIME TO FILE IT. BY MUIR'S CALCULATION, HIS BRIEF IN SUPPORT WOULD BE DUE ON OR BEFORE JANUARY 2, 2023.

CONCLUSION

FOR THE FOREGOING REASONS, MUIR RESPECTFULLY REQUESTS THIS COURT GRANT HIM AN ADDITIONAL ~~■~~ NINETY (90) DAYS TO FILE HIS BRIEF IN SUPPORT OF HIS MOTION TO VACATE UNDER 28 U.S.C. 2255, AND FOR SUCH FURTHER RELIEF AS THE COURT DEEMS JUST AND PROPER UNDER THE CIRCUMSTANCES.

RESPECTFULLY SUBMITTED

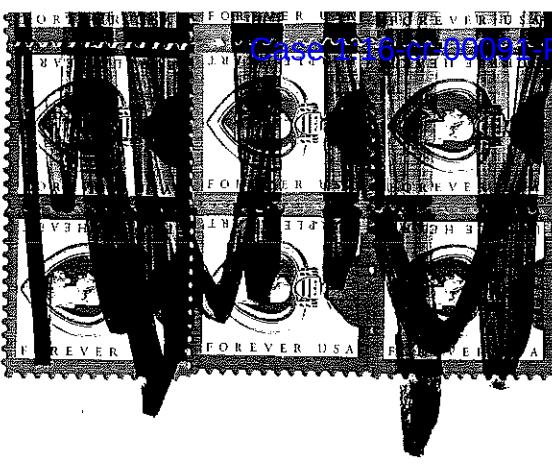
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TIMOTHY MUIR, pro se  
REG. NO. 27904-031  
FCI BECKLEY  
P.O. BOX 350  
BEAVER WI 58113

DECLARATION

I DECLARE UNDER PENALTY OF PERJURY THAT THE  
FOREGOING IS TRUE AND CORRECT AND THAT THIS MOTION  
WAS PLACED IN THE PRISON MAILING SYSTEM ON  
OCTOBER 4, 2022.

EXECUTED ON OCTOBER 4, 2022.

T = -  
Timothy Muir



UNITED STATES POSTAL SERVICE



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Timothy Moore  
REG. No. 27904-031  
FCI Bechtel  
P.O. Box 350  
Beaver WV 25813

Crim Dkt AF

ATTN: WSD

Clerk of the Court  
United States District Court  
Daniel Patrick Moynihan U.S. Courthouse  
500 Pearl Street, Room 120  
New York NY 10007-1312

Pro se inmate fringe

